IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 464 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ENKAY TEXO FOODS INDUSTRIES LIMITED

Versus

CENTURY ENKA LIMITED

Appearance:

1. Criminal Revision Application No. 464 of 2003

MR RR MARSHALL for Petitioner No. 1-3

MR BHUSHAN B OZA for Respondent No. 1

MR IM PANDYA, APP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 20/01/2004

ORAL JUDGEMENT

Heard ld. counsel Mr. Marshall for the petitioners.

Rule. Service of Rule is waived by ld. counsel Mr. Bhushan Oza for respondent no.1 and by ld. APP Mr. Pandya for respondent No.2 State.

Without entering into the merits of the contentions raised by the Revisioner in this Rev. Application, this Court is of the view that the Revisioner should be relegated to the Court of Sessions as he has approached this Court directly. It is true that this Court as well as Court of Sessions is having concurrent jurisdiction to hear and entertain the Revision Application, but in view of the observations made by this Court in the case of Harivallabh Parikh v/s The State, reported in 1997(1) GLR P.638, the Revisioner requires to be relegated to the Court of Sessions first. With a view to protect the interest of the other side so that parties can avail the chance to have justice at doorstep, relegation is more justified.

Ld. APP Mr. Pandya for Respondent No.1 State as well as ld. counsel Mr. Bhushan Oza for Respondent No.2 have nothing to add.

So, without entering into the merits, the Revisioner is relegated to Court of Sessions, if he so desires, to file Cri.Rev. Application challenging the very order which is under challenge in this Cri. Rev. Application. If such Cri. Rev. Application is made, then the same shall be heard on merits, in accordance with law and without being influenced with the present order.

This Cri. Rev. Application stands disposed of accordingly subject to aforesaid observations. Rule is discharged.

[C.K. BUCH, J]

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